

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francesco Pompei

Continuation Application of

Application No.: 09/923,240

Filed: August 3, 2001

For: TEMPORAL ARTERY TEMPERATURE DETECTOR

Date: <u>10-14-03</u> EXPRESS MAIL LABEL NO. <u>EV21572943/05</u>

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☐ Copies of the cited references are enclosed.
 - ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
 - ☒ Copies of the cited references are enclosed except those entered in prior applications, U.S. Application Nos. 09/151,482 and 09/923,240, to which priority under 35 U.S.C. 120 is claimed. [The earlier applications contain copies of the cited references.]
 - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

James M. Smith
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Concord, MA 01742-9133

Dated: 10/14/3

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION October 14, 2003 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 0243.1038-006		CONT. OF APPLICATION NO. 09/923,240	
	APPLICANT Francesco Pompei			
	FILING DATE	CONFIRMATION NO.	GROUP	

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER	ISSUE DATE / PUBLICATION DATE	NAME
	AA	4,302,971	12-01-81	Luk
	AB	4,428,382	01-31-84	Walsall et al.
	AC	4,494,861	01-22-85	Everest
	AD	4,636,091	01-13-87	Pompei et al.
	AE	4,993,419	02-19-91	Pompei et al.
	AF	5,012,813	05-07-91	Pompei et al.
	AG	5,050,612	09-24-91	Matsumura
	AH	5,150,969	09-29-92	Goldberg et al.
	AI	5,187,943	02-23-93	Taniguchi et al.
	AJ	5,199,436	04-06-93	Pompei et al.
	AK	5,271,407	12-21-93	Pompei et al.
	AA2	5,381,796	01-17-95	Pompei
	AB2	5,441,476	08-15-95	Kitado et al.
	AC2	5,445,158	08-29-95	Pompei
	AD2	5,653,238	08-05-97	Pompei
	AE2	5,818,044	10-06-98	Sodickson et al.
	AF2	5,874,736	02-23-99	Pompei
	AG2	5,893,833	04-13-99	Pompei et al.
	AH2	5,924,996	07-20-99	Cho et al.
	AJ2	6,056,435	05-02-00	Pompei
	AK2	6,059,452	06-09-00	Smith et al.
	AA3	4,317,998	03-02-82	Dore
	AB3	4,566,808	01-28-86	Pompei et al.
	AC3	6,047,205	04-04-00	Pompei
	AD3	5,924,998	07-20-99	Cornelius et al.

EXAMINER	DATE CONSIDERED
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	APPLICANT Francesco Pompei			
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FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO	
	AL	WO 98/01730	01-15-98	PCT		
	AM	WO 99/39166	08-05-99	PCT		
	AN	0 411 121 A1	06-02-91	EPO		
	AO	WO 98/08431	05-03-98	PCT		
	AP					
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AR	"Surface Temperature Scanner STS-100-F/C & 101-C," Omega Medical Corporation, pamphlet, 2 pages, Circa 1987.	
AS	"Sensor Touch Temporal Artery Thermometer - The Noninvasive Thermometer You Can Trust," 5 page brochure, Exergen Corporation, 1999.	
AT	Wei,D., et al., "Optimal Design of a Thermistor Probe for Surface Measurement of Cerebral Blood Flow, "Transactions on Biomedical Engineering," 37(12):1159-1172, 1990.	
AU	Database WPI, Section PQ, Week 9505, Derwent Publications Ltd., London, GB, 15 May 1994, Abstract.	
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EXAMINER	DATE CONSIDERED
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